Criminal Miscellaneous application no. 191 of 2002

Virendra Singh ---------- Petitioner

Versus

State of Uttaranchal and others -- Respondents

Hon'ble M.M. Ghildiayl, J.

Heard Sri S.K. Mandal learned counsel for the petitioner and Sri S.C. Bhatt learned for respondent no. 2.

The petitioner by means of this petition under section 482 Cr.P.C. has challenged the order dated 31.5.2002 passed by the Sessions Judge, Udham Singh Nagar in criminal revision no.63 of 2001 filed against the order dated 14.6.2001 passed by the Judicial Magistrate, Khatima, district Udham Singh Nagar whereby the Judicial Magistrate has granted a sum of Rs. 1000.00 per month as maintenance under section 125 Cr.P.C. The submission of the learned counsel for the petitioner is that since under section 24 of the Hindu Marriage Act pendente lite maintenance at the rate of Rs. 500/- per month was also awarded, the court simultaneously has granted maintenance under section 125 Cr.P.C. the revisional court while granted maintenance under section 125 Cr.P.C. has directed the adjustment of amount granted under section 24 of the Hindu Marriage Act.

I do not find any infirmity or illegality in the impugned order.

The writ petition is dismissed.

Sd/-

June 9, 2003
MPS